

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE	:	
	:	
THOMAS G. TAYLOR, JR.,	:	CASE NO. 17-04331-DSC13
	:	CHAPTER 13
DEBTOR.	:	JUDGE CRAWFORD

ORDER CONDITIONALLY DENYING MOTION FOR RELIEF

This case came before the Court on the Motion of U.S. Bank Trust, N.A., as Trustee of the Igloo Series III Trust (“Secured Creditor”) for relief from automatic stay, Doc. No. 60, as it pertains to certain real property (“Real Property”) described as 1528 Rainbow Lane, Warrior, AL 35180.

The parties reached an agreement prior to the hearing scheduled May 21, 2019. Based on the Agreement of the parties, it is ORDERED the Motion for Relief from Stay is CONDITIONALLY DENIED.

It is further ORDERED that Debtor shall maintain the regular monthly payments, currently \$933.34 per month, on Secured Creditor's loan obligation encumbering the subject Property, generally described as **1528 Rainbow Lane, Warrior, AL 35180**, in a timely fashion, commencing with the July 1, 2019 payment. Payments on Secured Creditor's loan obligation shall be made directly to Secured Creditor’s servicing agent:

BSI Financial Services
7505 Irvine Center Drive
Irvine, CA 92618

It is further ORDERED that Debtors shall pay off arrearages and attorneys’ fees in the total amount of **\$17,804.46**, representing monthly payments January 1, 2018, through June 1, 2019, and currently continuing to accrue at the rate of \$933.34 per month (18 months x \$933.34

= \$16,800.12), together with attorneys' fees and costs related to this motion in the amount of \$1031.00, less suspense balance of \$26.66. Said arrearages shall be paid through the Debtors' Chapter 13 Plan. The Chapter 13 Trustee is authorized to modify the Debtor's Chapter 13 Plan upon entry of the Order and the filing of the Proof of Claim.

It is further ORDERED that Secured Creditor shall prepare and file a supplemental Proof of Claim, referenced the arrearage amount of **\$17,804.46**.

It is further ORDERED that for a period of twelve (12) months following the entry of this Order, in the event the Debtor fails to make any payment of principle, interest or any and all insurance and escrow as described in the preceding paragraphs of this Order by failing to make a regular monthly payment on the date it come due per the terms of the Agreement, then Movant will send a letter to the Debtor, with a copy to Debtor's Attorney and the Chapter 13 Trustee, notifying them of the default and if the Debtor fails to cure the default within twenty (20) days of the date of the notice of default letter, then relief from the automatic stay of 11 U.S.C. § 362(a) is hereby **GRANTED**, and Movant, without further Order of this Court, shall be entitled to reduce its claim(s) in the Bankruptcy case, accelerate the balance due, and foreclose and/or repossess its collateral.

It is further ORDERED that in the event the instant bankruptcy proceeding is dismissed or discharged, this Order shall be terminated and have no further force or effect.

It is further ORDERED that should Secured Creditor obtain relief from the Automatic Stay due to a breach of the terms of this Order, any final Order for Relief from the Automatic Stay shall provide for the 14-day Stay described by Bankruptcy Rule 4001(a)(3) to be waived.

It is further ORDERED that a Notice of Fees, Expenses, and Charges pursuant to Bankruptcy Rule 3002.1(c) is not required for the fees and costs included and disclosed as part of this Order.

It is further ORDERED that any funds received by Secured Creditor, which are subsequently returned for non-sufficient funds, including funds received and applied prior to the terms of this Order, shall be subject to the default provisions contained herein.

Dated: July 2, 2019

/s/ D. Sims Crawford
D. SIMS CRAWFORD
United States Bankruptcy Judge

Approved: June 30, 2019

/s/ Mark A. Baker
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LIST OF PARTIES TO RECEIVE NOTICE OF ORDER

Thomas G. Taylor, Jr.
1528 Rainbow Lane
Warrior, AL 35180

And by electronic notice:

C. Taylor Crockett
Attorney at Law
2067 Columbiana Road
Birmingham, AL 35216

Bradford W. Caraway
Chapter 13 Standing Trustee
P O Box 10848
Birmingham, AL 35202